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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2013-887*

11 **BRICKEY ANNE HART**
12 **aka BRICKEY HART**
13 **1030 N Jerrie Ave. Unit J**
Tucson, AZ 85711

A C C U S A T I O N

14 **Registered Nurse License No. 551469**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about February 2, 1999, the Board of Registered Nursing issued Registered
22 Nurse License Number 551469 to Brickey Anne Hart, aka Brickey Hart (Respondent). The
23 Registered Nurse License was in full force and effect at all times relevant to the charges brought
24 herein and expired on January 31, 2013.

25 JURISDICTION

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28

1 indicated.

2 4. Code section 2750 provides, in pertinent part, that the Board may discipline any
3 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
4 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5 5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
6 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
7 to render a decision imposing discipline on the license.

8 6. Code section 2811, subdivision (b), provides, in pertinent part, that the Board may
9 renew an expired license at any time within eight years after the expiration.

10 STATUTORY PROVISIONS

11 7. Code section 2761 states:

12 "The board may take disciplinary action against a certified or licensed nurse or deny an
13 application for a certificate or license for any of the following:

14 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

15 "..."

16 "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
17 against a health care professional license or certificate by another state or territory of the United
18 States, by any other government agency, or by another California health care professional
19 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
20 action.

21 "..."

22 COST RECOVERY

23 8. Code section 125.3 provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licentiate found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
27 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
28 included in a stipulated settlement.

1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Out of State Discipline)

3 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), in that on or about November 18, 2010, in a disciplinary action before the Nevada State
5 Board of Nursing in the matter of Licensed Professional Nurse Nevada License No. RN18434,
6 Respondent voluntarily surrendered her license. The disciplinary action arose while Respondent
7 worked as a Licensed Professional Nurse at the Northern Nevada Medical Center in Reno,
8 Nevada. Respondent made multiple errors involving controlled substances and unplugged the
9 medication dispensing machine in an attempt to clear the discrepancy record.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 551469, issued to Brickey
14 Anne Hart, aka Brickey Hart;

15 2. Ordering Brickey Anne Hart, aka Brickey Hart, to pay the Board of Registered
16 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
17 Business and Professions Code section 125.3;

18 3. Taking such other and further action as deemed necessary and proper.
19
20

21 DATED: April 8, 2013

22 Louise R. Bailey
23 LOUISE R. BAILEY, M.ED., RN
24 Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant

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